(39)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.1060 OF 2006

PETITIONER		Ghanshyam Singh S/o Shri Tikam Singh, Age about 23 years, R/o Post Putkapuri, Block – Pusour, Tahsil & Distt. Raigarh (C.G.)
	Vs.	
RESPONDENTS	1.	State of Chhattisgarh Through Secretary, Department of Panchayat & Rural Development, Mantralay, D.K.S. Building, Raipur (C.G.)
	2.	Collector, Raigarh (C.G.)
	3.	Sub Divisional Officer Revenue, Distt. Raigarh (C.G.)
	4.	Jadulal, S/o Shri Budhprashad, Age about 39 years, R/o Basnapali, Tahsil & Distt. Raigarh (C.G.)

Present : Shri Awadh Tripathi, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A for the State.

(ORAL ORDER)
(Passed on 3rd March, 2006)

The Election Tribunal has set aside the election of the petitioner herein to the office of the Sarpanch of Gram Panchayat, Basnapali on the ground that as on the date of the election, he was underaged, that is to say, he was aged less than 21 years. This fact is satisfactorily proved by the 4th respondent by producing School Leaving Certificate of the petitioner. This School Leaving Certificate of the petitioner would show that his actual date of birth is 01.06.1984. Therefore, on the date of filing of nomination, i.e. 29.12.04, he did not complete 21 years of age. Consequently, he was ineligible to contest the election. The factual finding recorded by the Election Tribunal is based on relevant material. It is needless to state that among all

pieces of evidence to prove date of birth of a man, as held by the Supreme Court and High Courts in umpteen number of cases, what is recorded in the School Leaving Certificate of a person, is creditworthy and deserves to be accepted as correct. Be that as it may, the petitioner has utterly failed to adduce any contra evidence to dislodge the correctness of date of birth recorded in the School Leaving Certificate. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Subby